

ASSEMBLY BILL

No. 594

Introduced by Assembly Member Yamada

February 16, 2011

An act to add Division 8.6 (commencing with Section 9780) to the Welfare and Institutions Code, relating to aging and adult services.

LEGISLATIVE COUNSEL'S DIGEST

AB 594, as introduced, Yamada. California Department of Aging and Adult Services.

Existing law provides various services to persons with disabilities and older adults, which are overseen by the State Department of Social Services, including the In-Home Supportive Services program, and the development of guidelines in the implementation of local adult protective services programs, to assist them in living in the community instead of being placed in a facility. Existing law also vests in the Department of Rehabilitation the responsibility and authority for the encouragement of the planning, development, and funding of independent living centers. Under existing law, the State Department of Mental Health is responsible for the administration of programs that serve older adults and persons with disabilities, including caregiver resource centers, the Traumatic Brain Injury Program, and the Statewide Resources Consultant. Existing law also establishes various programs under the jurisdiction of the California Department of Aging.

This bill would enact the Community Care Modernization Act of 2011. The bill would establish the California Department of Adult and Aging Services in the California Health and Human Services Agency, for the purpose of maintaining individuals in their own homes, or the least restrictive homelike environments for as long as possible, by

integrating services under a single agency, to establish stronger, more focused leadership for home- and community-based services for all older adults and persons with disabilities. The bill would provide for the appointment of the director of the department by the Governor, and would specify the director's duties. This bill would require the department to convene a stakeholder committee to assist the department in coordinating with other state agencies to transfer programs to the department, as specified.

This bill would require the agency, in consultation with specified state entities, to develop a plan to transition home- and community-based programs for older adults and people with disabilities to the department, and to submit the transition plan to the appropriate policy and fiscal committees of the Legislature by January 1, 2013. The bill would require the state level administration of the program and program staff for each originating department to be transferred to the California Department of Aging and Adult Services by specified dates.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 Community Care Modernization Act of 2011.
- 3 SEC. 2. (a) The Legislature finds and declares all of the
- 4 following:
- 5 (1) In June 1999, the United States Supreme Court, in *Olmstead*
- 6 *v. L.C. ex rel. Zimring* (1999) 527 U.S. 581, issued a landmark
- 7 decision in disabilities rights law that requires states to develop
- 8 more opportunities for individuals with disabilities to live in their
- 9 communities rather than in nursing homes.
- 10 (2) California has established a number of long-term care
- 11 programs that provide services and supports to individuals to enable
- 12 them to avoid institutionalization and live independently in their
- 13 homes.
- 14 (3) The Legislative Analyst's Office, the Little Hoover
- 15 Commission, and others have substantiated that California's system
- 16 of service delivery is dysfunctional in a number of areas due to
- 17 the fragmentation of responsibility and funding for interrelated
- 18 services. Multiple funding streams and varied eligibility criteria

1 have created “silos” of services, making coordination unnecessarily
2 costly and difficult for consumers and their caregivers to navigate.

3 (4) Separate funding sources and uncoordinated services for
4 older adults and adults with disabilities have created barriers. For
5 example, independence-minded adults with disabilities often
6 receive long-term care services designed to support and protect
7 the less autonomous, institutionalized older population. Instead,
8 services need to be individualized to empower older adults and
9 persons with disabilities to live in the community.

10 (5) The delivery of long-term care needs to be improved to
11 promote efficiencies while supporting coordinated services that
12 are appropriate to each individual’s functional needs and financial
13 situation.

14 (6) An integrated system of support would better utilize state
15 resources and provide a greater benefit to those receiving services
16 than the current fragmented set of programs.

17 (7) It is critical to actively involve persons with disabilities,
18 older adults, and the representatives they choose, in developing
19 and implementing a system of services designed to move people
20 to, or allow them to remain in, community-based settings.

21 (b) It is the intent of the Legislature in enacting this act, that all
22 the following shall occur:

23 (1) Home- and community-based services for older adults with
24 disabilities, including all services and programs funded through
25 the federal Older Americans Act, the Older Californians Act, the
26 Multipurpose Senior Services Program, caregiver resource centers,
27 the In-Home Supportive Services program, the Adult Protective
28 Services Program, independent living centers, and adult day health
29 care services, shall be transferred to the California Department of
30 Aging and Adult Services, regardless of whether the program has
31 been formally created by statute.

32 (2) The Governor shall make a final decision regarding the
33 placement of a specific program or office that is not formally
34 created by statute, or named in this act, in a manner that is
35 consistent with the California Department of Aging and Adult
36 Services, and with the overall spirit of this act.

37 (3) The California Department of Aging and Adult Services
38 shall coordinate its programs and services with long-term care and
39 supportive services programs operated by other state departments,

1 including long-term care alternatives available through the State
2 Department of Health Care Services.

3 (4) By establishing the California Department of Aging and
4 Adult Services, it is the intent of the Legislature to capitalize on
5 efficiencies generated by integrating services under a single agency,
6 and to establish stronger, more focused leadership for home- and
7 community-based services for all older adults and persons with
8 disabilities.

9 SEC. 3. Division 8.6 (commencing with Section 9780) is added
10 to the Welfare and Institutions Code, to read:

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12 DIVISION 8.6. AGING AND ADULT SERVICES

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14 PART 1. GENERAL PROVISIONS

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16 CHAPTER 1. DEFINITIONS

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18 9780. As used in this division, the following terms shall have
19 the following meanings:

20 (a) "Agency" means the California Health and Human Services
21 Agency.

22 (b) "Department" means the California Department of Aging
23 and Adult Services.

24 (c) "Director" means the Director of Aging and Adult Services.

25 (d) "Home- and community-based services" means programs
26 and services designed to prevent and delay institutionalization and
27 enable clients with disabilities to remain as independent as possible.

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29 CHAPTER 2. GENERAL POWERS OF THE DEPARTMENT

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31 9782. There is hereby established in the agency the California
32 Department of Aging and Adult Services.

33 (a) The mission of the department is to maintain individuals in
34 their own homes, or the least restrictive homelike environments
35 for as long as possible.

36 (b) In fulfilling its mission, the department shall have the
37 following goals for all older adults and persons with disabilities:

38 (1) To structure and support programs that allow persons to live
39 independently, with dignity and choice.

1 (2) To establish integrated services with the flexibility to respond
2 effectively and efficiently to the needs of individuals, their families,
3 and caregivers.

4 (3) To design service systems that are accessible to diverse
5 populations of varying incomes.

6 (4) To ensure that statewide aging and adult services policy
7 fosters local control and implementation.

8 (5) To include consumers in the development, monitoring, and
9 accountability of the systems that serve them.

10 9783. (a) The department shall consist of a director, and staff
11 as may be necessary for proper administration.

12 (b) The department shall maintain a central office in Sacramento.

13 (c) The Governor shall appoint the director, with the consent
14 of the Senate and the Assembly.

15 (d) The director shall have all the powers of the head of a
16 department pursuant to Chapter 2 (commencing with Section
17 11150) of, and shall receive the salary provided for by Chapter 6
18 (commencing with Section 11550) of, Part 1 of Division 3 of Title
19 2 of the Government Code.

20 (e) The director shall have the following duties:

21 (1) To be responsible for the management of the department
22 and the achievement of its statewide goals.

23 (2) To assist the California Department of Aging and Adult
24 Services stakeholder committee, the State Independent Living
25 Council, and the California Commission on Aging in carrying out
26 their mandated duties and responsibilities.

27 (f) The Secretary of California Health and Human Services shall
28 ensure effective coordination among the departments of the agency
29 in carrying out the requirements of this division. For this purpose,
30 the secretary shall convene regular meetings concerning services
31 to older adults and adults with disabilities that shall include, but
32 not be limited to, the State Department of Social Services, the State
33 Department of Health Care Services, the State Department of
34 Mental Health, the State Department of Developmental Disabilities,
35 the Department of Rehabilitation, and the California Emergency
36 Management Agency.

CHAPTER 3. STAKEHOLDER INVOLVEMENT

9786. (a) The department shall convene a stakeholder committee, to serve for a period of time to be determined by the department, to advise the department regarding the transfer of programs and services to the department.

(b) The stakeholder committee shall include representatives from all of the following:

- (1) Independent living centers.
- (2) Area agencies on aging.
- (3) Adult day health care.
- (4) Adult protective services.
- (5) In-home supportive services.
- (6) Caregiver resource centers.
- (7) Consumers of home- and community-based services.

PART 2. TRANSITION AND IMPLEMENTATION

9787. (a) The agency, in consultation with the California Department of Aging, the State Department of Social Services, the State Department of Mental Health, and the Department of Rehabilitation, shall develop a plan to transition home- and community-based programs for older adults and people with disabilities to the department. The agency shall submit the transition plan to the appropriate policy and fiscal committees of the Legislature by January 1, 2013.

(b) All programs administered by the California Department of Aging, including, but not limited to, those funded by the federal Older Americans Act and the Older Californians Act, and all staff associated with these programs, shall transition to the department by July 1, 2013.

(c) The department shall coordinate with the State Department of Social Services and the stakeholder committee convened pursuant to Section 9786 to transfer the adult protective services program and the In-Home Supportive Services program to the department.

(1) The state-level administration of the adult protective services program and all associated staff shall transfer to the department by July 1, 2014.

1 (2) The state-level administration of the In-Home Supportive
2 Services program and all associated staff shall transfer to the
3 department by January 1, 2015.

4 (d) The department shall coordinate with the Department of
5 Rehabilitation and the stakeholder committee to transfer the
6 administration of the independent living centers to the department.
7 The state-level administration of the independent living centers
8 and all associated staff shall transfer to the department by January
9 1, 2015. The transfer shall be contingent upon the ability of the
10 Department of Rehabilitation to transfer federal Rehabilitation Act
11 funds for independent living centers to the department.

12 (e) The department shall coordinate with the State Department
13 of Mental Health and the stakeholder committee to transfer the
14 administration of the caregiver resource centers, the Traumatic
15 Brain Injury Program, and the Statewide Resources Consultant to
16 the department. The state-level administration of these programs
17 and all associated staff shall transfer to the department by January
18 1, 2016.

19 (f) The department, in consultation with the stakeholder
20 committee, shall develop and implement a plan to coordinate
21 long-term care alternatives available through the State Department
22 of Health Care Services, by ____.

23 (g) The requirement for the agency to submit a transition plan
24 imposed under subdivision (a) is inoperative on January 1, 2016.